

Introduced by Senator Block

February 27, 2015

An act to amend Sections 4980.03, 4980.42, 4980.43, 4980.44, 4996.23, and 4999.46 of the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 620, as introduced, Block. Board of Behavioral Sciences: licensure requirements.

Existing law provides for the licensure and regulation of marriage and family therapists, clinical social workers, and professional clinical counselors by the Board of Behavioral Sciences. Existing law requires applicants for licensure in those professions to comply with specified educational and experience requirements, including, but not limited to, hours of supervised experience, and sets forth terms, conditions, and limitations for those hours of experience, as specified.

This bill would revise those experience requirements and provide that individuals who submit applications for examination eligibility between January 1, 2016, and December 31, 2017, may alternately qualify under the current requirements. The bill would also make other technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4980.03 of the Business and Professions
- 2 Code is amended to read:

1 4980.03. (a) “Board,” as used in this chapter, means the Board
2 of Behavioral Sciences.

3 (b) “Intern,” as used in this chapter, means an unlicensed person
4 who has earned his or her master’s or doctor’s degree qualifying
5 him or her for licensure and is registered with the board.

6 (c) “Trainee,” as used in this chapter, means an unlicensed
7 person who is currently enrolled in a master’s or doctor’s degree
8 program, as specified in Sections 4980.36 and 4980.37, that is
9 designed to qualify him or her for licensure under this chapter, and
10 who has completed no less than 12 semester units or 18 quarter
11 units of coursework in any qualifying degree program.

12 (d) “Applicant,” as used in this chapter, means an unlicensed
13 person who has completed a master’s or doctoral degree program,
14 as specified in Sections 4980.36 and 4980.37, and whose
15 application for registration as an intern is pending, or an unlicensed
16 person who has completed the requirements for licensure as
17 specified in this chapter, is no longer registered with the board as
18 an intern, and is currently in the examination process.

19 (e) “Advertise,” as used in this chapter, includes, but is not
20 limited to, any public communication, as defined in subdivision
21 (a) of Section 651, the issuance of any card, sign, or device to any
22 person, or the causing, permitting, or allowing of any sign or
23 marking on, or in, any building or structure, or in any newspaper
24 or magazine or in any directory, or any printed matter whatsoever,
25 with or without any limiting qualification. Signs within religious
26 buildings or notices in church bulletins mailed to a congregation
27 shall not be construed as advertising within the meaning of this
28 chapter.

29 (f) “Experience,” as used in this chapter, means experience in
30 interpersonal relationships, psychotherapy, marriage and family
31 therapy, ~~and professional enrichment activities~~ *direct counseling,*
32 *and nonclinical practice* that satisfies the ~~requirement~~ *requirements*
33 for licensure as a marriage and family therapist pursuant to Section
34 4980.40.

35 (g) “Supervisor,” as used in this chapter, means an individual
36 who meets all of the following requirements:

37 (1) Has been licensed by a state regulatory agency for at least
38 two years as a marriage and family therapist, licensed clinical
39 social worker, licensed professional clinical counselor, licensed

1 psychologist, or licensed physician certified in psychiatry by the
2 American Board of Psychiatry and Neurology.

3 (2) If a licensed professional clinical counselor, the individual
4 shall meet the additional training and education requirements
5 specified in paragraph (3) of subdivision (a) of Section 4999.20.

6 (3) Has not provided therapeutic services to the trainee or intern.

7 (4) Has a current and valid license that is not under suspension
8 or probation.

9 (5) Complies with supervision requirements established by this
10 chapter and by board regulations.

11 (h) “Client centered advocacy,” as used in this chapter, includes,
12 but is not limited to, researching, identifying, and accessing
13 resources, or other activities, related to obtaining or providing
14 services and supports for clients or groups of clients receiving
15 psychotherapy or counseling services.

16 SEC. 2. Section 4980.42 of the Business and Professions Code
17 is amended to read:

18 4980.42. (a) Trainees performing services in any work setting
19 specified in subdivision ~~(d)~~ (e) of Section 4980.43 may perform
20 those activities and services as a trainee, provided that the activities
21 and services constitute part of the trainee’s supervised course of
22 study and that the person is designated by the title “trainee.”

23 (b) Trainees subject to Section 4980.37 may gain hours of
24 experience and counsel clients outside of the required practicum.
25 This subdivision shall apply to hours of experience gained and
26 client counseling provided on and after January 1, 2012.

27 (c) Trainees subject to Section 4980.36 may gain hours of
28 experience outside of the required practicum but must be enrolled
29 in a practicum course to counsel clients. Trainees subject to Section
30 4980.36 may counsel clients while not enrolled in a practicum
31 course if the period of lapsed enrollment is less than 90 calendar
32 days, and if that period is immediately preceded by enrollment in
33 a practicum course and immediately followed by enrollment in a
34 practicum course or completion of the degree program.

35 (d) All hours of experience gained pursuant to subdivisions (b)
36 and (c) shall be subject to the other requirements of this chapter.

37 (e) All hours of experience gained as a trainee shall be
38 coordinated between the school and the site where the hours are
39 being accrued. The school shall approve each site and shall have
40 a written agreement with each site that details each party’s

responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site. If an applicant has gained hours of experience while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those hours of trainee experience were gained in compliance with this section.

SEC. 3. Section 4980.43 of the Business and Professions Code is amended to read:

4980.43. (a) ~~Prior to applying~~ *To qualify* for licensure examinations, ~~as specified in Section 4980.40,~~ each applicant shall complete experience ~~that related to the practice of marriage and family therapy under a qualified supervisor. The experience shall~~ comply with the following:

(1) A minimum of 3,000 hours *of supervised experience* completed during a period of at least 104 weeks.

(2) ~~Not more than~~ *A maximum of* 40 hours in any seven consecutive days.

(3) ~~Not less than~~ *A minimum of* 1,700 hours ~~of supervised experience completed subsequent to the granting of~~ *obtained after* the qualifying master's or doctoral degree. ~~degree was awarded.~~

(4) ~~Not more than~~ *A maximum of* 1,300 hours ~~of supervised experience obtained prior to completing a~~ *the award date of the* qualifying master's or doctoral degree.

~~The applicant shall not be credited with more than~~

(5) *A maximum of* 750 hours of counseling and direct supervisor contact prior to ~~completing~~ *the award date of the* qualifying master's or doctoral degree.

~~(5)~~

(6) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction ~~and becoming a trainee except for personal psychotherapy instruction.~~

~~(6)~~

(7) No hours of experience may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section

1 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d)
2 of Section 4980.36 shall be exempt from this six-year requirement.

3 ~~(7) Not more than a combined total of 1,000 hours of experience~~
4 ~~in the following:~~

5 ~~(A) Direct supervisor contact.~~

6 ~~(B) Professional enrichment activities. For purposes of this~~
7 ~~chapter, “professional enrichment activities” include the following:~~

8 ~~(i) Workshops, seminars, training sessions, or conferences~~
9 ~~directly related to marriage and family therapy attended by the~~
10 ~~applicant that are approved by the applicant’s supervisor. An~~
11 ~~applicant shall have no more than 250 hours of verified attendance~~
12 ~~at these workshops, seminars, training sessions, or conferences.~~

13 ~~(ii) Participation by the applicant in personal psychotherapy,~~
14 ~~which includes group, marital or conjoint, family, or individual~~
15 ~~psychotherapy by an appropriately licensed professional. An~~
16 ~~applicant shall have no more than 100 hours of participation in~~
17 ~~personal psychotherapy. The applicant shall be credited with three~~
18 ~~hours of experience for each hour of personal psychotherapy.~~

19 ~~(8) Not more than 500 hours of experience providing group~~
20 ~~therapy or group counseling.~~

21 ~~(9) For all hours gained on or after January 1, 2012, not more~~
22 ~~than 500 hours of experience in the following:~~

23 ~~(A) Experience administering and evaluating psychological~~
24 ~~tests, writing clinical reports, writing progress notes, or writing~~
25 ~~process notes.~~

26 ~~(B) Client centered advocacy.~~

27 ~~(10) Not less than~~

28 ~~(8) A minimum of 1,750 hours of direct counseling with~~
29 ~~individuals, groups, couples, or families, that includes not less~~
30 ~~than 500 total hours of experience in diagnosing and treating~~
31 ~~couples, families, and children. For up to 150 hours of treating~~
32 ~~couples and families in conjoint therapy, the applicant shall be~~
33 ~~credited with two hours of experience for each hour of therapy~~
34 ~~provided.~~

35 ~~(11) Not more than 375 hours of experience providing personal~~
36 ~~psychotherapy, crisis counseling, or other counseling services via~~
37 ~~telehealth in accordance with Section 2290.5.~~

38 ~~(9) A maximum of 1,250 hours of nonclinical practice, including~~
39 ~~direct supervisor contact, administering and evaluating~~
40 ~~psychological tests, writing clinical reports, writing progress or~~

1 *process notes, client-centered advocacy, and workshops, seminars,*
2 *training sessions, or conferences directly related to marriage and*
3 *family therapy that have been approved by the applicant's*
4 *supervisor.*

5 ~~(12)~~

6 (10) It is anticipated and encouraged that hours of experience
7 will include working with elders and dependent adults who have
8 physical or mental limitations that restrict their ability to carry out
9 normal activities or protect their rights.

10 This subdivision shall only apply to hours gained on and after
11 January 1, 2010.

12 (b) *An individual who submits an application for examination*
13 *eligibility between January 1, 2016, and December 31, 2017, may*
14 *alternately qualify under the experience requirements that were*
15 *in place on January 1, 2015.*

16 ~~(b)~~

17 (c) All applicants, trainees, and registrants shall be at all times
18 under the supervision of a supervisor who shall be responsible for
19 ensuring that the extent, kind, and quality of counseling performed
20 is consistent with the training and experience of the person being
21 supervised, and who shall be responsible to the board for
22 compliance with all laws, rules, and regulations governing the
23 practice of marriage and family therapy. Supervised experience
24 shall be gained by interns and trainees only as an employee or as
25 a volunteer. The requirements of this chapter regarding gaining
26 hours of experience and supervision are applicable equally to
27 employees and volunteers. Experience shall not be gained by
28 interns or trainees as an independent contractor.

29 (1) If employed, an intern shall provide the board with copies
30 of the corresponding W-2 tax forms for each year of experience
31 claimed upon application for licensure.

32 (2) If volunteering, an intern shall provide the board with a letter
33 from his or her employer verifying the intern's employment as a
34 volunteer upon application for licensure.

35 ~~(e)~~

36 (d) Except for experience gained pursuant to subparagraph (B)
37 of paragraph (7) of subdivision (a), by attending workshops,
38 seminars, training sessions, or conferences as described in
39 paragraph (9) of subdivision (a), supervision shall include at least

1 one hour of direct supervisor contact in each week for which
2 experience is credited in each work setting, as specified:

3 (1) A trainee shall receive an average of at least one hour of
4 direct supervisor contact for every five hours of client contact in
5 each setting. No more than six hours of supervision, whether
6 individual or group, shall be credited during any single week.

7 (2) An individual supervised after being granted a qualifying
8 degree shall receive at least one additional hour of direct supervisor
9 contact for every week in which more than 10 hours of client
10 contact is gained in each setting. No more than six hours of
11 supervision, whether individual or group, shall be credited during
12 any single week.

13 (3) For purposes of this section, “one hour of direct supervisor
14 contact” means one hour per week of face-to-face contact on an
15 individual basis or two hours per week of face-to-face contact in
16 a group.

17 (4) Direct supervisor contact shall occur within the same week
18 as the hours claimed.

19 (5) Direct supervisor contact provided in a group shall be
20 provided in a group of not more than eight supervisees and in
21 segments lasting no less than one continuous hour.

22 (6) Notwithstanding paragraph (3), an intern working in a
23 governmental entity, a school, a college, or a university, or an
24 institution that is both nonprofit and charitable may obtain the
25 required weekly direct supervisor contact via two-way, real-time
26 videoconferencing. The supervisor shall be responsible for ensuring
27 that client confidentiality is upheld.

28 (7) All experience gained by a trainee shall be monitored by the
29 supervisor as specified by regulation.

30 (8) The six hours of supervision that may be credited during
31 any single week pursuant to paragraphs (1) and (2) shall apply to
32 supervision hours gained on or after January 1, 2009.

33 ~~(d)~~

34 (e) (1) A trainee may be credited with supervised experience
35 completed in any setting that meets all of the following:

36 (A) Lawfully and regularly provides mental health counseling
37 or psychotherapy.

38 (B) Provides oversight to ensure that the trainee’s work at the
39 setting meets the experience and supervision requirements set forth

1 in this chapter and is within the scope of practice for the profession
2 as defined in Section 4980.02.

3 (C) Is not a private practice owned by a licensed marriage and
4 family therapist, a licensed professional clinical counselor, a
5 licensed psychologist, a licensed clinical social worker, a licensed
6 physician and surgeon, or a professional corporation of any of
7 those licensed professions.

8 (2) Experience may be gained by the trainee solely as part of
9 the position for which the trainee volunteers or is employed.

10 ~~(e)~~

11 (f) (1) An intern may be credited with supervised experience
12 completed in any setting that meets both of the following:

13 (A) Lawfully and regularly provides mental health counseling
14 or psychotherapy.

15 (B) Provides oversight to ensure that the intern's work at the
16 setting meets the experience and supervision requirements set forth
17 in this chapter and is within the scope of practice for the profession
18 as defined in Section 4980.02.

19 (2) An applicant shall not be employed or volunteer in a private
20 practice, as defined in subparagraph (C) of paragraph (1) of
21 subdivision ~~(d)~~, (e), until registered as an intern.

22 (3) While an intern may be either a paid employee or a
23 volunteer, employers are encouraged to provide fair remuneration
24 to interns.

25 (4) Except for periods of time during a supervisor's vacation or
26 sick leave, an intern who is employed or volunteering in private
27 practice shall be under the direct supervision of a licensee that has
28 satisfied the requirements of subdivision (g) of Section 4980.03.
29 The supervising licensee shall either be employed by and practice
30 at the same site as the intern's employer, or shall be an owner or
31 shareholder of the private practice. Alternative supervision may
32 be arranged during a supervisor's vacation or sick leave if the
33 supervision meets the requirements of this section.

34 (5) Experience may be gained by the intern solely as part of the
35 position for which the intern volunteers or is employed.

36 ~~(f)~~

37 (g) Except as provided in subdivision ~~(g)~~, (h), all persons shall
38 register with the board as an intern in order to be credited for
39 postdegree hours of supervised experience gained toward licensure.

40 ~~(g)~~

1 (h) Except when employed in a private practice setting, all
2 postdegree hours of experience shall be credited toward licensure
3 so long as the applicant applies for the intern registration within
4 90 days of the granting of the qualifying master's or doctoral
5 degree and is thereafter granted the intern registration by the board.

6 ~~(h)~~

7 (i) Trainees, interns, and applicants shall not receive any
8 remuneration from patients or clients, and shall only be paid by
9 their employers.

10 ~~(i)~~

11 (j) Trainees, interns, and applicants shall only perform services
12 at the place where their employers regularly conduct business,
13 which may include performing services at other locations, so long
14 as the services are performed under the direction and control of
15 their employer and supervisor, and in compliance with the laws
16 and regulations pertaining to supervision. Trainees and interns
17 shall have no proprietary interest in their employers' businesses
18 and shall not lease or rent space, pay for furnishings, equipment,
19 or supplies, or in any other way pay for the obligations of their
20 employers.

21 ~~(j)~~

22 (k) Trainees, interns, or applicants who provide volunteered
23 services or other services, and who receive no more than a total,
24 from all work settings, of five hundred dollars (\$500) per month
25 as reimbursement for expenses actually incurred by those trainees,
26 interns, or applicants for services rendered in any lawful work
27 setting other than a private practice shall be considered an
28 employee and not an independent contractor. The board may audit
29 applicants who receive reimbursement for expenses, and the
30 applicants shall have the burden of demonstrating that the payments
31 received were for reimbursement of expenses actually incurred.

32 ~~(k)~~

33 (l) Each educational institution preparing applicants for licensure
34 pursuant to this chapter shall consider requiring, and shall
35 encourage, its students to undergo individual, marital or conjoint,
36 family, or group counseling or psychotherapy, as appropriate. Each
37 supervisor shall consider, advise, and encourage his or her interns
38 and trainees regarding the advisability of undertaking individual,
39 marital or conjoint, family, or group counseling or psychotherapy,
40 as appropriate. Insofar as it is deemed appropriate and is desired

1 by the applicant, the educational institution and supervisors are
2 encouraged to assist the applicant in locating that counseling or
3 psychotherapy at a reasonable cost.

4 SEC. 4. Section 4980.44 of the Business and Professions Code
5 is amended to read:

6 4980.44. An unlicensed marriage and family therapist intern
7 employed under this chapter shall comply with the following
8 requirements:

9 (a) Possess, at a minimum, a master's degree as specified in
10 Section 4980.36 or 4980.37, as applicable.

11 (b) Register with the board prior to performing any duties,
12 except as otherwise provided in subdivision-(g) (h) of Section
13 4980.43.

14 (c) Prior to performing any professional services, inform each
15 client or patient that he or she is an unlicensed marriage and family
16 therapist registered intern, provide his or her registration number
17 and the name of his or her employer, and indicate whether he or
18 she is under the supervision of a licensed marriage and family
19 therapist, licensed clinical social worker, licensed professional
20 clinical counselor, licensed psychologist, or a licensed physician
21 and surgeon certified in psychiatry by the American Board of
22 Psychiatry and Neurology.

23 (d) (1) Any advertisement by or on behalf of a marriage and
24 family therapist registered intern shall include, at a minimum, all
25 of the following information:

26 (A) That he or she is a marriage and family therapist registered
27 intern.

28 (B) The intern's registration number.

29 (C) The name of his or her employer.

30 (D) That he or she is supervised by a licensed person.

31 (2) The abbreviation "MFTI" shall not be used in an
32 advertisement unless the title "marriage and family therapist
33 registered intern" appears in the advertisement.

34 SEC. 5. Section 4996.23 of the Business and Professions Code
35 is amended to read:

36 ~~4996.23. The experience required by subdivision (c) of Section~~
37 ~~4996.2 shall meet the following criteria:~~

38 ~~(a) All persons registered with the board on and after January~~
39 ~~1, 2002, shall have at least 3,200 hours of post-master's degree~~

1 supervised experience providing clinical social work services as
2 permitted by Section 4996.9. At

3 4996.23. (a) *To qualify for licensure as specified in Section*
4 *4996.2, each applicant shall complete 3,200 hours of post-master's*
5 *degree experience related to the practice of clinical social work,*
6 *under a qualified supervisor. The experience shall comply with*
7 *the following:*

8 (1) At least 1,700 hours shall be gained under the supervision
9 of a licensed clinical social worker. The remaining required
10 supervised experience may be gained under the supervision of a
11 licensed mental health professional acceptable to the board as
12 defined by a regulation adopted by the board. ~~This experience shall~~
13 ~~consist of the following:~~

14 ~~(1)~~

15 (2) A minimum of 2,000 hours in clinical psychosocial
16 diagnosis, assessment, and treatment, including psychotherapy or
17 counseling.

18 ~~(2)~~

19 (3) A maximum of 1,200 hours in client-centered advocacy,
20 consultation, evaluation, ~~and research.~~ *research, direct supervisor*
21 *contact, and workshops, seminars, training sessions, or conferences*
22 *directly related to clinical social work that have been approved*
23 *by the applicant's supervisor.*

24 ~~(3)~~

25 (4) Of the 2,000 clinical hours required in paragraph ~~(1)~~, (2),
26 no less than 750 hours shall be face-to-face individual or group
27 psychotherapy provided to clients in the context of clinical social
28 work services.

29 ~~(4)~~

30 (5) A minimum of two years of supervised experience is required
31 to be obtained over a period of not less than 104 weeks and shall
32 have been gained within the six years immediately preceding the
33 date on which the application for licensure was filed.

34 ~~(5)~~

35 (6) Experience shall not be credited for more than 40 hours in
36 any week.

37 (b) *An individual who submits an application for examination*
38 *eligibility between January 1, 2016, and December 31, 2017, may*
39 *alternately qualify under the experience requirements that were*
40 *in place on January 1, 2015.*

1 ~~(b)~~

2 (c) “Supervision” means responsibility for, and control of, the
3 quality of clinical social work services being provided.
4 Consultation or peer discussion shall not be considered to be
5 supervision.

6 ~~(e)~~

7 (d) (1) Prior to the commencement of supervision, a supervisor
8 shall comply with all requirements enumerated in Section 1870 of
9 Title 16 of the California Code of Regulations and shall sign under
10 penalty of perjury the “Responsibility Statement for Supervisors
11 of an Associate Clinical Social Worker” form.

12 (2) Supervised experience shall include at least one hour of
13 direct supervisor contact for a minimum of 104 weeks. For
14 purposes of this subdivision, “one hour of direct supervisor contact”
15 means one hour per week of face-to-face contact on an individual
16 basis or two hours of face-to-face contact in a group conducted
17 within the same week as the hours claimed.

18 (3) An associate shall receive at least one additional hour of
19 direct supervisor contact for every week in which more than 10
20 hours of face-to-face psychotherapy is performed in each setting
21 in which experience is gained. No more than ~~five~~ six hours of
22 supervision, whether individual or group, shall be credited during
23 any single week.

24 (4) *Supervision shall include at least one hour of direct*
25 *supervisor contact during each week for which experience is gained*
26 *in each work setting. Supervision is not required for experience*
27 *gained attending workshops, seminars, training sessions, or*
28 *conferences as described in paragraph (3) of subdivision (a).*

29 (5) *The six hours of supervision that may be credited during*
30 *any single week pursuant to paragraph (3) shall apply only to*
31 *supervision hours gained on or after January 1, 2010.*

32 (6) Group supervision shall be provided in a group of not more
33 than eight supervisees and shall be provided in segments lasting
34 no less than one continuous hour.

35 ~~(5)~~

36 (7) Of the 104 weeks of required supervision, 52 weeks shall
37 be individual supervision, and of the 52 weeks of required
38 individual supervision, not less than 13 weeks shall be supervised
39 by a licensed clinical social worker.

40 ~~(6)~~

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

~~(d)~~

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.

~~(e)~~

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

~~(f)~~

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

~~(g)~~

(h) Employment in a private practice as defined in subdivision ~~(h)~~ (i) shall not commence until the applicant has been registered as an associate clinical social worker.

~~(h)~~

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

~~(i)~~

(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

~~(j)~~

1 (k) If employed, the associate shall provide the board with copies
2 of his or her W-2 tax forms for each year of experience claimed
3 upon application for licensure.

4 ~~(k)~~

5 (l) While an associate may be either a paid employee or
6 volunteer, employers are encouraged to provide fair remuneration
7 to associates.

8 ~~(l)~~

9 (m) An associate shall not do the following:

10 (1) Receive any remuneration from patients or clients and shall
11 only be paid by his or her employer.

12 (2) Have any proprietary interest in the employer's business.

13 (3) Lease or rent space, pay for furnishings, equipment, or
14 supplies, or in any other way pay for the obligations of his or her
15 employer.

16 ~~(m)~~

17 (n) An associate, whether employed or volunteering, may obtain
18 supervision from a person not employed by the associate's
19 employer if that person has signed a written agreement with the
20 employer to take supervisory responsibility for the associate's
21 social work services.

22 ~~(n)~~

23 (o) Notwithstanding any other provision of law, associates and
24 applicants for examination shall receive a minimum of one hour
25 of supervision per week for each setting in which he or she is
26 working.

27 SEC. 6. Section 4999.46 of the Business and Professions Code,
28 as amended by Section 3 of Chapter 435 of the Statutes of 2014,
29 is amended to read:

30 4999.46. (a) To qualify for ~~the licensure examination as~~
31 ~~specified by paragraph (2) of subdivision (a) of Section 4999.53,~~
32 ~~in Section 4999.50,~~ applicants shall complete ~~clinical mental health~~
33 *experience related to the practice of professional clinical*
34 *counseling under the general supervision of an approved supervisor*
35 ~~as defined in Section 4999.12. a qualified supervisor. The~~
36 *experience shall comply with the following:*

37 ~~(b) The experience shall include a~~

38 (1) A minimum of 3,000 postdegree hours of supervised ~~clinical~~
39 ~~mental health experience related to the practice of professional~~

1 clinical counseling, performed over a period of not less than two
2 years (104 weeks), which shall include: *weeks*).

3 (1)

4 (2) Not more than 40 hours in any seven consecutive days.

5 (2)

6 (3) Not less than 1,750 hours of direct counseling with
7 individuals, groups, couples, or families in a setting described in
8 Section 4999.44 using a variety of psychotherapeutic techniques
9 and recognized counseling interventions within the scope of
10 practice of licensed professional clinical counselors.

11 ~~(3) Not more than 500 hours of experience providing group~~
12 ~~therapy or group counseling.~~

13 ~~(4) Not more than 375 hours of experience providing personal~~
14 ~~psychotherapy, crisis counseling, or other counseling services via~~
15 ~~telehealth in accordance with Section 2290.5.~~

16 (5)

17 (4) Not less than 150 hours of clinical experience in a hospital
18 or community mental health setting, as defined in Section 1820 of
19 Title 16 of the California Code of Regulations.

20 ~~(6) Not more than a combined total of 1,250 hours of experience~~
21 ~~in the following related activities:~~

22 ~~(A) Direct supervisor contact.~~

23 ~~(B) Client centered advocacy.~~

24 ~~(C) Not more than 250 hours of experience administering tests~~
25 ~~and evaluating psychological tests of clients, writing clinical~~
26 ~~reports, writing progress notes, or writing process notes.~~

27 ~~(D) Not more than 250 hours of verified attendance at~~
28 ~~workshops, seminars, training sessions, or conferences directly~~
29 ~~related to professional clinical counseling that are approved by the~~
30 ~~applicant's supervisor.~~

31 *(5) A maximum of 1,250 hours of nonclinical practice, including*
32 *direct supervisor contact, administering and evaluating*
33 *psychological tests, writing clinical reports, writing progress or*
34 *process notes, client-centered advocacy, and workshops, seminars,*
35 *training sessions, or conferences directly related to professional*
36 *clinical counseling that have been approved by the applicant's*
37 *supervisor.*

38 *(b) An individual who submits an application for examination*
39 *eligibility between January 1, 2016, and December 31, 2017, may*

1 *alternately qualify under the experience requirements that were*
2 *in place on January 1, 2015.*

3 (c) No hours of clinical mental health experience may be gained
4 more than six years prior to the date the application for examination
5 eligibility was filed.

6 (d) An applicant shall register with the board as an intern in
7 order to be credited for postdegree hours of experience toward
8 licensure. Postdegree hours of experience shall be credited toward
9 licensure, provided that the applicant applies for intern registration
10 within 90 days of the granting of the qualifying degree and is
11 registered as an intern by the board.

12 (e) All applicants and interns shall be at all times under the
13 supervision of a supervisor who shall be responsible for ensuring
14 that the extent, kind, and quality of counseling performed is
15 consistent with the training and experience of the person being
16 supervised, and who shall be responsible to the board for
17 compliance with all laws, rules, and regulations governing the
18 practice of professional clinical counseling.

19 (f) Experience obtained under the supervision of a spouse or
20 relative by blood or marriage shall not be credited toward the
21 required hours of supervised experience. Experience obtained
22 under the supervision of a supervisor with whom the applicant has
23 had or currently has a personal, professional, or business
24 relationship that undermines the authority or effectiveness of the
25 supervision shall not be credited toward the required hours of
26 supervised experience.

27 (g) Except for experience gained pursuant to subparagraph (D)
28 ~~of paragraph (6) of subdivision (b),~~ *by attending workshops,*
29 *seminars, training sessions, or conferences as described in*
30 *paragraph (5) of subdivision (a),* supervision shall include at least
31 one hour of direct supervisor contact in each week for which
32 experience is credited in each work setting.

33 (1) No more than six hours of supervision, whether individual
34 or group, shall be credited during any single week. This paragraph
35 shall apply to supervision hours gained on or after January 1, 2009.

36 (2) An intern shall receive at least one additional hour of direct
37 supervisor contact for every week in which more than 10 hours of
38 face-to-face psychotherapy is performed in each setting in which
39 experience is gained.

1 (3) For purposes of this section, “one hour of direct supervisor
2 contact” means one hour of face-to-face contact on an individual
3 basis or two hours of face-to-face contact in a group of not more
4 than eight persons in segments lasting no less than one continuous
5 hour.

6 (4) Notwithstanding paragraph (3), an intern working in a
7 governmental entity, a school, a college, or a university, or an
8 institution that is both nonprofit and charitable, may obtain the
9 required weekly direct supervisor contact via two-way, real-time
10 videoconferencing. The supervisor shall be responsible for ensuring
11 that client confidentiality is upheld.

12 (h) This section shall become operative on January 1, 2016.